IN THE HIGHT COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1824 OF 2004

IN

SUMMARY SUIT NO.3218 OF 1988

Karimjee Ltd ..Plff

V/s.

Sharad R.Khanna ..Deft.

And

Linea Travels Pvt.Ltd. ..Applicant

Adv.B.B.Saraf with Mr.S.Nagvekar & Co. for the Plffs

Ms.F.Sidhwa with Ms.S.R.Moghe i/b Mehta & Girdharilal & Co. for the defts.

Mr.I.D'Cruz for the applicant

CORAM; S.U.KAMDAR, J

DATE : 3RD MAY,2005

P.C.:

. Present Chamber Summons is taken out for raising an attachment from the television set of Sony make. It has been claimed that said television set belongs to the applicant. In support thereof an invoice dated 6th August, 2003 has been produced in the name of the company Linea Travels Pvt. Ltd. It is not in dispute that said television is lying in the premises Flat no.22-B, Kapur

Mahal, 4th floor,65, Marine Drive, Mumbai-400 020.It is

also not in dispute that the said flat does not belong to company known as Linea Travels Pvt.Ltd. nor the company has any interest in the said flat. However, it is contended by the applicant that the said occupier of the flat i.e. judgment debtor is the and director of the said company alongwith his family members i.e. wife, Shammi Khanna, his nephew Umesh Khanna and Supriya Khanna that is wife of nephew. In my opinion, merely by producing invoice dated 6th August, 2003 in the name of the company, judgment debtor can not establish that the said television set belongs to the company. Business of the company is of travel agency and television set is not required for the business of the said company. Apart there from said television set is lying in the premises of the judgment debtor himself and not of the applicant company. Admittedly, registered office of the premises is at Silk House, Silk Bazar, Bombay-2 and it has no interest of any nature whatsover in the flat no.22/B itself. In my opinion, it is clear from the aforesaid facts that that the company is merely using its name and actually it is judgment debtor who is the person entitled to and enjoying the said T.V.Set. Present Chamber Summons is totally frivolous and has been initiated only by using the name of the company. Defendent is seeking to defeat decree by this method which can not be allowed. Chamber Summons is accordingly dismissed. However, there shall be no order as

to costs.